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0429

May 20, 1998

VIA HAND DELIVERY

Magalie Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: WT Docket 97-153
Ex Parte Presentation

Dear Ms. Salas:

This is to advise the Commission that on May 20, 1998, the undersigned, Ms. Janice Lee and Mr. Frederick Perry, all representing Safety Warning System, L.C., met with Ms. D'Wana Terry, Chief, Public Safety and Private Wireless Division and discussed with Ms. Terry the status and some of the issues that have been raised in the Commission's proposal in WT Docket 97-153. The subjects of the discussions are described in the attached letter, which was left with Ms. Terry.

Two copies of the letter are enclosed. Please associate this notification and those copies of the letter with the Commission's files for WT Docket 97-153.

Very truly yours,

FLETCHER, HEALD & HILDRETH, PLC

George Petrutsas
Counsel for
Safety Warning System, L.C.

GP:cej
Enclosures
cc: Ms. D'Wana Terry (w/enc.)

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May 20, 1998

VIA HAND DELIVERY
Ms. D'wana Terry
Chief, Public Safety and Private
Wireless Division - WTB
Federal Communications Commission
2025 M Street, N.W. - Room 8010
Washington, D.C. 20554

Re: WT Docket 97-153

Dear Ms. Terry:

On behalf of Safety Warning System, L.C. (SWS) and its President, Janice Lee, thank you for agreeing to meet with us. The purpose of our visit is to urge you to see what you and your staff can do to bring to the Commission for decision as soon as possible one of the proposals in WT Docket 97-153 in which SWS is vitally interested. This matter has been pending for nearly three years.

By way of background, in WT Docket 97-153, the Commission has proposed, among other matters, to amend the rules governing several former public safety radio services (now consolidated into the Public Safety Pool) to authorize state and local governmental agencies to transmit on the frequency 24.10 GHz, in addition to unmodulated continuous wave (radar) radio signals, modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency. Under current rules, frequencies in the 24.05 - 24.25 GHz band may be used only for transmissions the purpose of which is to determine direction, distance, speed, or position for purposes other than navigation. The band is used extensively by police radars. The Commission's proposal was in response to a petition for rulemaking, RM-8734, filed by RADAR, Inc., an affiliate of SWS L.C. That petition was filed in 1995. SWS L.C. is the developer of the safety warning system

contemplated in RM-8734. The Commission's NPRM was issued on August 25, 1997. The comment and reply comment periods have expired. Whether SWS remains in business depends on an early positive decision by the Commission.

The Commission's proposal has received substantial support[1] as well as opposition.[2] Those who supported the proposal agreed with the Commission's tentative conclusion that authorizing operation of a safety warning system would enhance traffic safety in that it would provide state and local public safety agencies with a means for alerting motorists using radar detecting receivers to hazardous

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[1]Comments in support of the Commission's proposal have been filed by: The International Municipal Signal Association (IMSA) jointly with the International Association of Fire Chiefs ("IAFC"); Agency for Transportation of the State of Vermont; Vermont Railway, Inc.; The Cumberland Gap Tunnel Authority; Broward County, FL; Nebraska State Senator Douglas A. Kristensen, as the Chairperson of Cybortech, Inc.; Sanyo Technica USA, Inc.; Risk Probe, Inc., a safety consultant; Mr. John Tomerlin, a highway safety consultant; David B. Sloan, Esquire; Mr. Dale T. Smith, an Engineer; and Lt. Giffen B. Nickol, a member of the Baltimore City Fire Department, speaking on his own behalf. Comments filed by Teligent, L.L.C., were directed primarily to the Commission's proposal to permit traffic light control on the frequency band 25.20-24.25 GHz.

Important support for the Commission's proposal also came from Senator John F. Kerry of Massachusetts, and from former Congressman Gene Snyder who, while in the Congress, sponsored a demonstration project, which employed "drone" radar transmitters along a dangerous section of Interstate 75 in Northern Kentucky. On the basis of that successful project, former Congressman Snyder offered his "strong support" for the Commission's proposal.

[2]Comments in opposition were filed by the Department of Transportation (DOT), the International Association of Chiefs of Police (IACP), and by the National Association of Governors' Highway Safety Representatives (NAGHRS).

driving conditions. DOT, IACP, and NAGHRS, however, disagreed and urged the Commission to reject its proposal.

DOT, IACP and NAGHRS argued that the proposal is not likely to enhance traffic safety. They maintained that local public safety officials are not likely to deploy the proposed warning system because of strong antipathy of police entities towards radar detectors. DOT further argues that adoption of the proposal would promote greater deployment of radar detectors. IACP and NAGHSR agreed with DOT's views and argued further that adoption of the proposal would tend to "legitimize" the use of radar detectors. DOT also expressed concern that operation of safety warning transmitters may subject police radars to interference.

SWS L.C., the developer of the safety warning system, in reply comments, addressed DOT's opposition in detail. It pointed out that DOT, IACP and NAGHRS have erroneously focused on radar detectors rather than the positive aspects of the Commission's proposal. SWS pointed out that the DOT concerns about promoting use of radar detectors have been rendered moot by significant progress in research, standardization and market development associated with the safety warning technology during the past few years. The warning system SWS has developed is a new generation of intelligent transportation technology designed to provide state and local traffic safety authorities with the ability to communicate in a substantive way with motorists. The system SWS has developed will activate audio devices and liquid crystal displays incorporated into small receiving equipment to provide motorists with substantive messages. Current vintage receiving equipment contain up to sixty-four messages built into the receiver with custom messages programmed at the transmitter site or at remote control locations. This would enable state and local safety authorities to send a large amount of information to motorists in real time, advising them of conditions as they approach an accident site, an area of reduced visibility, a bridge under repair, and could even suggest alternate routes. The early generation warning system would communicate primarily with current vintage radar detectors; however, new and future receiving equipment associated with the safety warning system will not have the circuity to act as radar detectors, as such. This development would mitigate against any concerns and antipathy local police authorities may have about radar detectors.

Although DOT, IACP and NAGHRS opposed the Commission's proposal, other representatives of the public safety community, such as IMSA and IAFC, state agencies, representatives of state legislatures, and state transportation agencies, supported it. In addition, current and former members of the U.S. Congress, have expressed their support as have individuals with safety responsibilities and highway safety consultants. With respect to DOT's concerns about potential interference to

police radars, the question was the subject of an extensive study conducted by the Georgia Institute of Technology. That study demonstrated that operation of the safety warning transmitters would not interfere with properly operated police radars.[3]

The safety warning system SWS L.C. has developed is one of many intelligent transportation system ("ITS") related technologies currently being developed and tested with the promise of reducing highway congestion and delay while enhancing safety.[4] However, because this system is based in part on existing products, existing spectrum allocation, and existing vehicle installation methods, it is much farther along the path to widespread acceptance by motorists than other technologies and has no direct competition, either in the current research environment nor in the marketplace.

There is a strong, growing need for ITS technologies and their integration into surface transportation systems around the country. Many of these technologies, however, require development and installation of a sophisticated infrastructure not yet widely available nor in widespread use. Similarly, state departments of transportation, public-private roadway authorities and other entities responsible for developing and maintaining public thoroughfares lack the funding required to install the infrastructure and consequently realize the benefits of these competing technologies in a timely fashion.

The safety warning system involved here represents a unique opportunity to provide the benefits of ITS, today, without the associated developmental delays. It also provides ITS advocates and planners with an early solution to the dilemmas presented by comparing the promises of other technologies with the reality that their supporting infrastructure does not now exist. Since the safety warning system is ready now, the promises of ITS can be realized by motorists today without the delays and costs associated with other technologies.

Since the filing of RADAR's petition on October 24, 1995, the industry has made substantial progress in developing the safety warning system technology and conducting real-world research on its value, dependability and potential to enhance

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[3]See, Supplementary Comments and Attachment A, filed by RADAR, the initial petitioner of RM-8743 in support of its petition.

[4]See, *Executive Summary*, National ITS System Architecture, Intelligent Transportation Society of America, 400 Virginia Avenue, S.W., Suite 800, Washington, D.C. 20024-2730.

highway safety in both urban and rural settings. Much of this research is being conducted by the Georgia Tech Research Institute ("GTRI"), a unit of the Georgia Institute of Technology, and the Georgia Department of Transportation under a Congressionally-mandated study contracted for by the Federal Highway Administration ("FHWA"), a permanent agency within DOT. Moreover, Congressional interest in and support for the safety warning system technology continues and a provision for a new study of the technology by FHWA -- as well as a dramatic increase in funding -- is incorporated into the highway funding legislation about to be passed. Thus, DOT's comments in opposition of the Commission's proposal are at odds with both Congressional interest and with activities ongoing within one of its own agencies.

As noted above, DOT's opposition to the Commission's proposal is largely based on its assumption that the safety warning system receivers are basically radar detectors. While that is true for early-generation safety warning system receivers -- which are already in use by consumers -- current and future products will not incorporate the circuitry required for the device to function as a radar detector. The fact mitigates against "the antipathy local safety authorities have expressed for radar detectors.[5]

SWS appreciates that the Commission's staff must be concerned about the opposition of DOT, a federal agency with important responsibilities for highway safety. The oppositions of IACP and NAGHRS must also be of concern. However, SWS respectfully submits that the record in the proceeding as a whole supports the Commission's proposal. It emphasized that the Commission's proposal was supported by representatives of the public safety community, such as IMSA and IAFC, by state agencies, representatives of state legislatures, and by state transportation agencies. And, Congress is about to fund a major additional efforts to develop further the type of motorists communication system involved here.

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[5]Nevertheless, the safety warning system would initially take advantage of the 20 million plus radar detectors now in the hands of the motoring public, and, while there are obviously differing views concerning their legitimacy and purpose for which that equipment is now used, they can be used as an effective vehicle for communicating with motorists. It makes obvious good sense not to ignore the fact that the 20 million plus radar receivers are now in the hands of the American motoring public which can be used to receive the benefits of safety warning messages.

Moreover, the proposal does not involve the allocation of spectrum for the program. The frequency band is already available to state and local agencies and it is used extensively for police radar operations. The proposal would merely authorize state an local land mobile licensees to transmit, at their sole discretion, FM signals for the purpose of alerting motorists to safety hazards.

Adoption of the proposal need not increase the use of radar detectors as such, nor "legitimize" them as IACP fears. The Commission's policy on radar detectors is clear and need not change. It is emphasized, however, that the nature of the radar receiving equipment is changing. The future equipment will be capable of receiving substantive messages and will not have the circuity require to play the role of radar detectors, as such. This would be accomplished by changing the message format from a radar detector based fixed text message storage system to a transmitter based variable text messaging format. This change in transmitter messaging standards will require a special receiver to decode the variable text message and will render all radar detectors built under the fixed text messaging system unable to receive the safety warning signals. The transmission of a variable text message to dedicated safety warning system receivers will, by design, eliminate the scanning of the radar band frequencies and the detection of the presence of police radio transmitters. This is an important development to be encouraged. The availability of reliable economical receiving equipment would accomplish the long-sought goal of communicating directly with motorists, an important objective of the intelligent vehicle and highway system of the future. SWS L.C. respectfully submits that this is yet another important reason why the public interest would be served by the adoption of the Commission's proposal.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

George Petrutsas
Counsel for
Safety Warning System L.C.

GP:cej